IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15002 of 1997

Between:

Y.Sudershan Goud S/o.Balaiah,
R/o.Palamkole, Shamshabad Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Panchayat Raj and Rural Development (PTS.II) Department, Rep.by its secretary to Government, Secretariat, Hyderabad.
2 The District, Collector (PT Wing)
R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably one in the nature of Writ of Mandamus declaring the order of the 1st Respondent issued in G.O.Rt.No.660 Panchayat Raj and Rural Development (PTS.II) Dept, dt.30-5-1997 as illegal, arbitrary and violates the principles of natural justice and consequently direct the respondents to check-measure the works executed by the petitioner at Palmakole Village, Shamshabad Madnal, R.R. District.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the order dated 30-5-1997, issued by respondent No.1-Government in G.O. Rt. No.660 Panchayat Raj and Rural Development (PTS.II) Department, rejecting the appeal filed by the petitioner, as illegal, arbitrary and violative of the principles of natural justice, and consequently to direct the respondents to check-measure the works executed by the petitioner at Palmakole Village, Shamshabad Mandal, R.R.District.

The petitioner is the ex-Sarpanch of Palmkole village, Shamshabad Mandal, R.R.District. It is the case of the petitioner that respondent No.2-District Collector, without appreciating the realities of the case, passed an order dated 20-3-1994 under Section 150 (1) of A.P. Gram Panchayat Act, 1964 (for short "the Act") directing the petitioner to remit an amount of Rs.1,11,265/- (Rs.26,500/- JRY funds plus Rs.84,765/- Grampanchayat funds) to the Gram Panchayat Account, towards the loss caused by him to the Gram Panchayat. Against the said order, the petitioner carried the matter in appeal before respondent No.1-Government, who the petitioner claims that without recording any findings and without assigning any reasons, passed order dated 30.05.1997, rejecting the appeal. Assailing the said order, the petitioner filed the present writ petition.

Though the writ petition was admitted as far back as on
15-7-1997, no counter-affidavit is filed by the respondents.

Heard the leaned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development, and perused the impugned order.

The learned counsel for the petitioner submitted that the petitioner had handed over all the records of the Gram Panchayat to the Upa-Sarpanch, and the respondents without any basis and looking into the records and without furnishing copies thereof, determined the amount under the impugned order, and directed him to pay, which is illegal and arbitrary.

The learned Government Pleader for Panchayat Raj appearing on behalf of the respondents submitted that the petitioner failed to submit any record, either before

the District Collector or before the Government in appeal, and therefore, on the basis of the material available with them, the District Collector, determined the amount payable by the petitioner, which was confirmed in appeal, and no exception can be taken thereto.

The petitioner being the Sarpanch of the Gram Panchayat is bound to maintain the records properly. The contention of the petitioner that he handed over all the records of the Gram Panchayat to the Upa-Sarpanch cannot be believed, for the reason that the petitioner except stating that he has not caused any loss to the Gram Panchayat and is therefore, not liable to pay any amount, has not produced any material or acknowledgement to show that he had handed over the records to the

Upa-Sarpanch. Inasmuch as the petitioner failed to produce any material either before the District Collector or the Government in appeal to show that he has not caused any loss to the Gram Panchayat, and as such, is not liable to pay any amounts, no exception can be taken to the order passed by the District Collector determining the loss caused by the petitioner to the Gram Panchayat and demanding the same from the petitioner, as confirmed by the Government in appeal.

In the above view of the matter, the writ petition has no merit and the same is accordingly dismissed. No costs.

14.03.2005

MRKR/KSR

To

1 The Government of Andhra Pradesh, Panchayat Raj and Rural Development (PTS.II) Department, Rep.by its secretary to Government, Secretariat, Hyderabad.

2 The District, Collector (PT Wing)
R.R.District.

3 Two C.D.copies.